

**VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
MINUTES of May 18, 2011**

1. CALL TO ORDER

The meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Irv Ochsenschlager in the Village Hall Board meeting room.

2. ROLL CALL

Plan commission/ZBA members present:

Irv Ochsenschlager, John Guddendorf, Ryan Reuland and Jim Eckert
Mary Heineman arrived late.

Absent: Don Meisinger

Also present: Rich Young, Community Development Director
Mike Ferencak, Village Planner
Mike Hoffman, Teska Associates
Julie –Ann Fuchs, Kaneland D302 and Jerry Swatek, 176 Diana Dr.

3. APPROVAL OF MINUTES of the APRIL 20, 2011 MEETING

Motion made by Mr. Guddendorf and seconded by Mr. Eckert to approve the minutes of the April 20, 2011 Plan Commission meeting with a change from Mr. Eckert on page 2, 2nd to bottom paragraph change ‘needs’ to ‘needing’ regarding the building permit. **The motion carried by unanimous voice vote.**

4. PUBLIC HEARINGS

a. 10-005: Accessory Uses and Temporary Uses - Public Hearing was previously closed and was listed on the agenda by mistake

b. Petition 11-005: Off Street Parking and Loading – Zoning Ordinance Text Amendment (Village of Sugar Grove)

Chairman Ochsenschlager opened the public hearing and asked if anyone was there to testify. Mr. Ferencak stated no public comment was received and staff is recommending the public hearing be continued.

No public comment was made. A motion was made by Mr. Eckert and seconded by Mr. Reuland to continue the public hearing. The motion carried by unanimous voice vote.

5. Old Business

None

6. New Business

a. Petition 10-005: Accessory Uses and Temporary Uses – Zoning Ordinance Text Amendment (Village of Sugar Grove)

Mr. Eckert asked about the table, under carports, treehouses, outdoor spas listed with 'N's; what if those items are the business? Mr. Ferencak stated then it's not considered to be one of those items, it's then considered outdoor sales.

It was asked that spaces be added between the different zoning districts and to place the list of zoning districts on each page.

The red print under 11-4-7 is the new language added from cross referenced sections so this is a more updated draft than what was in the commissioner's packets.

Recreational equipment for the business zoning will be changed to S not N.

This report includes all the updates from the last meeting and additional mark ups caused by later sections in this document.

At the end of the chart, 4th paragraph down, the sentence "All accessory uses..." needs to be moved up so it's right under the chart and on each page with the chart.

There was a question about Height, section F, 2, buildings accessory to farm operations, height not to exceed 25' (which is approximately the equivalent to a 2 story building). A Variance could be applied for if anything taller were necessary. Mr. Ferencak stated that all these changes are in the zoning ordinance which affects existing properties and new. It's all properties all the time. Certain farms already may exceed this restriction. They are considered as existing nonconforming (Section 11-5-3 Nonconforming uses) and only if, and when, anything is changed, then it must meet current code. An annexation of a farm with such structures into the Village limits would likely be specifically addressed in the Annexation Agreement as well.

Under 11-4-8: Temporary Use under letter C, e; campers are not covered under the accessory use code because they're covered under the vehicle section of the code. Letter h; portable moving and storage containers, PODS, this code limits them to 10 days. Commissioners asked that it be added to allow staff to make exceptions for special situations such as flood, water damage, fire, etc.

Under 11-4-8, G. Conditions, add security & lighting.

Under H, last sentence should be separated out.

Under I, g; a church was questioned.

Under the 2nd paragraph before 11-4-8, the special use submittal and fee may be approved by the Plan Commission will allow for less costly fees and quicker review than before the Village Board.

Under F; height add a space between accessory and structure.

There was discussion as to whether a clean copy without any red on it be presented to the Commissioners due to paper waste. The changes at the end of this draft ordinance were reviewed and clarification was given. The only changes being made to the sections are as indicated. All Permitted Accessory Use sections for individual zoning classifications are being removed so that the newly structured section, Accessory Use and Temporary Use, is used.

In the chart by Drive-Thrus, 11-4-17A, actually Home Occupations, Fences, Walls, Signs, Solar Panels, Wind Turbines are not being amended but have separate sections that have more specifics than can be listed in this chart.

A motion was made by Mr. Eckert and seconded by Mr. Guddendorf to recommend approval to the Village Board Petition 10-005: Accessory Uses and Temporary uses as presented with the corrections as indicated with the understanding that at the next Plan Commission a clean copy will be presented for review. The motion carried by unanimous voice vote.

Mr. Eckert gave his notes to Mr. Ferencak.

c. Petition 11-005: Off Street Parking and Loading – Zoning Ordinance Text Amendment (Village of Sugar Grove)

No Discussion held

d. 11-007: Sugar Grove West Side Industrial TIF (Tax Increment Financing) (Village of Sugar Grove)

This was presented first due to the audience attending. Mr. Young explained that in the future the village may ask for a recommendation from the Commission for some rezoning or even possibly a new zoning district. Mike Hoffman from Teska & Associates gave a presentation similar to the one previously made to the Village Board regarding the proposed TIF. The proposed TIF would be in an area of the village located west and north of the airport that's been zoned manufacturing for 20+ years and a lot of the area has not developed. The TIF is being investigated as a tool to spur development in that area by aiding in providing accessibility to the utilities and infrastructure that is needed to spark industrial development. The way a TIF works, the different types, what the funds can and cannot be used for, the length of time allowed and other factors were explained. This area is being considered as an industrial park conservation area TIF. There are factors used to qualify an area for a TIF, such as whether it is blighted, age of structures, whether buildings are obsolete for current uses, deterioration of improvements, street conditions (some parking lots are in poor shape), vacancies, trends in values of property compared to the rest of the village, etc. Two requirements for this type of TIF are that the parcels included are annexed and zoned industrial (peripheral properties shown on comprehensive plan in the area can be included) and that the land is within the territorial limits of a "labor surplus municipality". To qualify for the labor surplus you must have an unemployment rate higher than 6% and the local rate must be higher than the national figure for the same period within 6

months of adopting the TIF. We currently meet this, so if the TIF moves forward soon, this requirement is met. We also need to show that the area includes vacant land, blighted or conservation area, which it does.

Maps of the area were reviewed. The airport proper won't be a part of this and portions of the airport are not annexed into the Village, and may never be. The study area is approximately 1700 acres. It still needs to be determined if the area belonging to the school district will be included in this TIF. Properties on Route 47 were not included in the study area. It basically includes all the Village's M-1 zoned properties plus a few others. The boundaries have not been cemented at this time.

Whether or not bonds should be obtained up front or it should be set up as a 'pay as you go' structure was discussed. Mike would suggest a pay as you go set up. It is less risky for the Village and it's almost impossible to determine both the amount of the revenue stream that will be created and the timeline of when it will occur.

It was questioned as to whether there were any potential down sides or risks. There really aren't any. This allows the village to offer incentives and / or install the infrastructure more appropriate for industrial businesses in hopes that when development comes, it's there. Ms. Heineman urged balance and caution be used in reducing fees and shifting funds. She explained that the Village Board has discussed reducing or eliminating transition and impact fees to spark residential development in an effort to spur commercial and industrial growth. "But," she cautioned, "if we spur industrial growth through the offering of TIF districts but put their revenues back to work in the industrial section, then all of a sudden we've created a lot of growth infrastructure we have to way to pay for if we give it all up." She questioned the benefit of growing if there's no money to take care of what's been created by the growth. She cautioned that there needs to be a balance and there is a lot of vacant land to offer. There was the concept age restricted development that was reviewed for possible reductions in the residential sector but it did not happen. Per Rich Young, the village's intent has not been to offer a TIF in any residential area.

The school district's possibility of benefitting from this TIF was also discussed. Their land which comes down from the Middle School to Wheeler Road and is slated to become industrial properties, not schools, may be included. Their property would be eligible for the same developer incentives.

An eligibility plan and a redevelopment plan need to be completed. The redevelopment plan will include the goals and objectives and the program included, what funds can be used for, project costs, potential for development in order to estimate future property values to determine an estimated revenue vs. costs.

The TIF can be ended any time earlier than the full term (23 years). Pieces of property can be removed if it's determined that property shouldn't be in it; adding properties is tougher to do.

If the purpose for the money is defined, the money can be held until the amount needed is reached. But if the money is non-allocated (without defined purpose) it must be paid back to all the taxing districts each year. Money can be transferred but a TIF can't be created just to collect money. It would have to be due to non-development, for instance. Most TIFs take at least 5 years to generate any significant amount of money.

The village has passed the ordinance allowing Teska to do the TIF study including the boundaries, redevelopment plan and revenue and cost projections. Then publishing will need to be done for a public hearing. A meeting of the joint review board which is all the taxing districts will need to be held. This board will need to make a finding in support or objection of the TIF. If they choose not to support it they have to indicate why they don't feel it's eligible as a TIF district. Then back for another public hearing, get comments and if the Village Board decides to adopt it at that point it becomes a TIF district. Annually there is a report and audit required to by State statutes. An annual joint review board will meet to let the other taxing bodies know what's going on and review the revenues and the intentions of what to do with them. An interested party's registry has been published for review by the Board. Anyone on the registry has to be kept informed throughout the process. Property owners within 750' will be sent notices for the public hearing. When they have a developer interested, the Village would enter into a development agreement outlining the incentives or infrastructure being installed in exchange for them doing their development. It must contain a 'but / for' provision; but / for the village providing assistance to the developer, they wouldn't be able to move forward with the development. Prevailing wages must be paid for any type of public infrastructure improvements.

Mike from Teska, along with Rich Young, will be meeting with the Airport this week and making the same presentation to the school board on June 13th. One of the topics being discussed with the airport will be possible benefits in the form of tax advantages for both Aurora and Sugar Grove if annexation were to happen. The two Municipalities could split the revenue (a percentage) for instance of the taxes for refueling that are currently only paid to the County since it's unincorporated.

7. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION

Kendall County Planning Consortium – June 9th 7:00 p.m. at the Sugar Grove Library, Sugar Grove will be hosting the meeting with the topic of Healthy Communities. This is in partnership with Kane County and CMAP.

Mr. Eckert had a few comments on the TIF application for Rich Young.

Staff has stipend waivers available for Plan Commissioners that did not yet sign one, if they would like to sign them.

8. ADJOURNMENT

Ms Heinemann made a motion, seconded by Mr. Eckert, that the meeting be adjourned at 8:21 pm.

The motion carried unanimously by voice vote.

Respectfully submitted,
Holly Baker
Substitute Recording Secretary